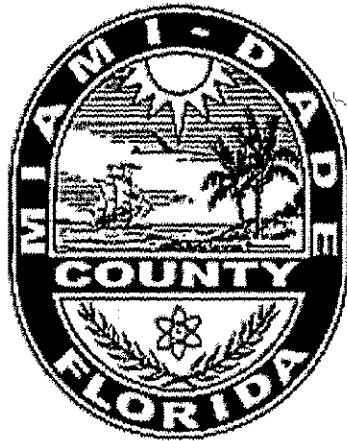


Miami Dade County

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, Fl. 33128



OFFICE OF THE COMMISSION AUDITOR
Legislative Staff

Tuesday, December 14, 2004
9:30 AM
Commission Chambers

Board of County Commissioners

NOTE

Additional items will be distributed in a supplement on Monday, Dec. 13, 2004.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION CREATING THE OFFICE OF INTERGOVERNMENTAL AFFAIRS, PROVIDING FOR MINIMUM QUALIFICATIONS, APPOINTMENT, REMOVAL, AND TERM OF OFFICE OF DIRECTOR; PROVIDING FOR FUNCTIONS, SCOPE OF AUTHORITY, AND POWERS OF OFFICE; AND PROVIDING EFFECTIVE DATE

Chairperson Dr. Barbara-Carey-Shuler, Ed, D.

I. SUMMARY

This item would establish the Office of Intergovernmental Affairs (OIA) under the jurisdiction of the Board of County Commissioners (BCC).

II. PRESENT SITUATION

Previously, the OIA was budgeted and staffed under the Office of the Mayor. On September 23, 2004, the BCC voted to place the Intergovernmental Affairs Office under its jurisdiction. The Mayor vetoed the transfer on October 1, 2004, but the BCC overrode the veto on October 18, 2004.

III. POLICY CHANGE AND IMPLICATION

- The OIA would report directly to all thirteen members of the Board of County Commissioners.
- Budget necessary to perform its operations (see attached chart).
- **Director** of the office to be appointed by a majority vote of the entire Board, with input from the Mayor; may be removed from office by a two-thirds vote of the entire BCC.
- Director shall possess at least five (5) years of intergovernmental experience. No term limit specified.
- **Functions** include coordinate and manage the county's federal and state governmental representation. Prepare annual federal and state legislative packages, report to the BCC on a timely manner, and advise the BCC, Mayor and County Manager on the filing, progress and amendment of bills, appropriations, and legislative reports.
- Raise, discuss and recommend any affirmative legislative action that may need to be addressed that can benefit Miami-Dade County.
- The OIA is prohibited from initiating any funding request or legislation that has not been approved by the BCC in its federal or state legislative package or by resolution.
- In the event that it is not possible to convene with the BCC for policy direction, the Director shall consult with the Mayor and the Chair, with input from the County Attorney's Office until the full BCC meets and provides further direction. The Chair's policy direction will prevail in the event of conflict between the Mayor and the Chair.

BCC ITEM 4(K)
December 14, 2004

- The Office shall report to and meet with the BCC during each Board meeting during the Congressional session and while the Florida Legislature is in session and meeting in committee.
- The Mayor shall be the official spokesperson on behalf of the County for federal and state legislative issues that have been adopted by resolution and/or included in the legislative packages.

IV. ECONOMIC IMPACT

The budget for the office would just reflect a transfer of funds that previously went to the Office of the Mayor. Based on last fiscal year's actual budget, funding of \$476,000 would be required for November 16, 2004 through October 1, 2005. In addition, a \$218,000 reimbursement from OSBM (for salaries, travel, lodging expenses, etc.) would bring the almost full-year funding total to \$794,000.

V. COMMENTS AND QUESTIONS

Currently, the office has a total of seven positions:

- Director (1)
- Federal Coordinator (1)
- Assistants (4)
- Secretary (1)

The State Legislature is set to start the organization session process for Fiscal year 2004-2005 by the end of November (see attached).

ATTACHMENT 1

Board of County Commissioners Office of Intergovernmental Affairs

Salaries		
00110	Employee Regular	\$ 308,000
00120	Executive Benefits	10,000
00122	Flex Dollars	4,000
	Total Salaries	\$ 322,000
Fringes		
01010	FICA	\$ 17,000
01011	Retirement	18,000
01110	Group Health Insurance	26,500
01111	Group Life Insurance	1,000
01113	MICA	4,500
01115	Worker's Compensation	5,000
	Total Fringes	\$ 72,000
	Total Salaries and Fringes	\$ 394,000
Operating		
24571	P.C. Maintenance	\$ 1,000
25311	Beeper Rental	1,500
25511	Payments to Lessor	9,000
26028	GSA Service Tickets	300
26051	GSA Postage	250
26110	Data Processing Services	1,500
31010	Telephone - Regular	1,200
31011	Telephone - Long Distance	850
31012	Telephone - Suncom	500
31015	Cellular Phone Services	3,500
31110	Publications	7,000
31130	Memberships	2,500
31210	Travel Expense - U.S.	46,000
31220	Registration Fees	1,500
31450	Public Relations	2,500
31522	Photographic Services	200
31620	Messenger Services	200
32010	In-service Training	500
33060	Special Services	2,000
	Total Operating	\$ 82,000
	Total Budgeted Expenditures	\$ 476,000

7 Positions
Director (1)
Federal Coordinator (1)
Assistants (4)
Secretary (1)

\$218,000 reimbursement from Budget



ORGANIZATION SESSION
November 16, 2004

2004 - 2005 INTERIM COMMITTEE MEETING SCHEDULE

November 2004 - Week of the 29th
December 2004 - Week of the 13th
January 2005 - Week of the 10th
January 2005 - Week of the 24th
February 2005 - Week of the 7th
February 2005 - Week of the 14th
February 2005 - Week of the 21st

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE AMENDING SECTIONS 2-98.4 THROUGH 2-98.11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CONCERNING NUISANCE ABATEMENT; REVISING PURPOSE, DEFINITIONS, OPERATING PROCEDURES, THE PUBLIC NUISANCE ABATEMENT BOARD, HEARING PROCESS AND FEES AND COSTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Miami-Dade Police Department

I. SUMMARY

This proposed ordinance would amend Chapter 2 of the Code to:

- Increases authorities and broadens the range of included offenses under the Nuisance Abatement Ordinance (NAO) and of the Nuisance Abatement Board (NAB), including authority for the NAB to impose fines and issue subpoenas;
- Expands the NAB membership from 9 members to 13 members (one per commission district) [Sec. 2-98.7, handwritten p. 14];
- Liberalizes NAB membership to permit non-residents of Miami-Dade County [Sec. 2-98.7(a)(1), handwritten p. 14]; and
- Expand NAO coverage to municipalities with which interlocal agreements have been executed [Sec. 2-98.4, handwritten p. 8].
- Authorizes retroactive application of the changes to the original date of adoption of the ordinance, or the dates of amendments to Florida Statutes, 893.138 that authorize the changes [handwritten p. 25].

The Public Safety Committee (PSC) on July 20, 2004 expressed concern about clarifying each municipality's option to execute an interlocal agreement for Miami-Dade Police Department (MDPD) assistance with nuisance properties within the municipality, regardless of whether or not they contract for MDPD police services. The text of the proposed item does not appear to address the PSC's concerns even though the County Manager's memorandum recommending the item indicates it was addressed.

II. PRESENT SITUATION

After a premise is considered a public nuisance, the NAB can order the property owner to pay costs, but the NAB cannot impose fines.

NAB membership is now defined as 9 members

III. POLICY CHANGE AND IMPLICATION

To activities that can trigger a premise being determined to be a public nuisance:

- Adds "*possession*" of controlled substances [Sec. 2-98.4 & 2-98.5.A(2)(a), handwritten pp. 8-9], illegal "*possession*" of alcoholic beverages [Sec. 2-98.4 & 2-

BCC ITEM 6(A)
December 14, 2004

98.5.A(2)(d), handwritten pp. 8-9], and *"other criminal activity as defined in federal laws and/or Florida Statutes, or violations of the Code of Miami-Dade County"* [Sec. 2-98.4 & 2-98.5.A(2)(f), handwritten pp. 8-9]

- Reduces to one (1), the number of incidents of use *"by a youth and criminal street gang for the purpose of conducting a pattern of youth and criminal street gang activity"* [previously required more than two (2) such uses] [Sec. 2-98.5.A(1), handwritten p. 9];
- With premise use on more than two (2) occasions within 12 months:
 - Adds *"Manufacture, cultivation, or possession"* of controlled substances *"including, but not limited to substances and pharmaceuticals...any substance sold in lieu of a controlled substance...or any imitation controlled substance"* [Sec. 2-98.5.A(2)(a), handwritten p. 9]
 - Clarifies prostitution includes *"any violation of Florida Statutes Chapter 796, as it may be renumbered or amended from time to time"* [Sec. 2-98.5.A(2)(b), handwritten p. 9];
 - Adds illegal *"possession"* of *"containers, or open containers"* of alcoholic beverages [Sec. 2-98.5.A(2)(d), handwritten p. 9];
 - Adds *"as site of...dealing in stolen property"* [Sec. 2-98.5.A(2)(g), handwritten p. 9];
 - Adds *"as site of juveniles in violation the Miami-Dade County Juvenile Curfew Ordinance"* [Sec. 2-98.5.A(2)(g), handwritten p. 9].
 - Adds *"as site in which Owner(s) and/or property is in violation of:"*
 - *Public Nuisances on Leased Property* per the Code [Sec. 2-98.5.A(2)(i)(i), handwritten p. 10];
 - *Minimum Vacant Housing Standards, Demolition of Uninhabited Structures Ordinances, Unsafe Buildings* per the Code [Sec. 2-98.5.A(2)(i)(ii), handwritten p. 10];
 - *Unsanitary Health Nuisance Statutes* per Florida Statutes and the Code [Sec. 2-98.5.A(2)(i)(iii), handwritten p. 10];
 - *Illegal dumping or illegal use of Property* per Florida Statutes and the Code;
 - *Environmental Protection Ordinance* per the Code and violations of Florida Statutes and Federal Environmental (Nuisance) Laws [Sec. 2-98.5.A(2)(i)(v), handwritten p. 10];
 - *False Alarm Ordinance* violations with *on a repeated basis six false alarm signals during two or more registration periods* per the Code [Sec. 2-98.5.A(2)(i)(vii), handwritten p. 10];
 - *Place of habitation or feeding of Miami-Dade County Pit Bull Ordinance* per the Code [Sec. 2-98.5.A(2)(i)(vii), handwritten p. 10];
 - *Illegal or Unlicensed Practice of Medicine, Dentistry, Funeral Services, or Health Care Services in Violation of Federal law and Florida Statutes...that may endanger the Public Health, Safety, and Welfare* [Sec. 2-98.5.A(2)(i)(viii), handwritten pp. 10-11].

BCC ITEM 6(A)
December 14, 2004

Add definitions for:

- *Complaint* to include any complaint or incident documented on a local, state, or federal law enforcement report, citation, warning notice, notarized affidavit, oral or written sworn statement, or *reasonable belief (as substantiated by local, state, or federal law enforcement, judicial, or government officials)* [Sec. 2-98.5.B, handwritten p. 11]
- *Owner* to include *property manager and business manager* [Sec. 2-98.5.C, handwritten p. 11];
- *Places/Premises* to include, but not limited to, *any residential, business, land, vacant lot, parking area, vessel, vehicle, area controlled by a homeowner or condominium or other similar association, or other property that comes within the control of business, or business enterprise, or other activity associated with a business* [Sec. 2-98.5.D, handwritten p. 11]; and
- *Occasion* to include *each instance and/or day of activity* [Sec. 2-98.5.E, handwritten p. 11].

Updates notification processes and adds that notification to a business owner may constitute notification to the property owner [Sec. 2-98.6, handwritten p. 13].

Adds subpoena power for the NAB and/or County Attorney [Sec. 2-98.6, handwritten p. 13].

Increases NAB membership to 13 (one per Commission District) in recognition that there are now 13 Commission Districts [Sec. 2-98.7, handwritten p. 14].

Authorizes non-residents of Miami-Dade County to be NAB members upon 2/3 vote of the BCC [Sec. 2-98.7(a)(1), handwritten p. 15].

Authorizes alternate NAB members to be appointed by the Mayor, the County Manager, and the Director of MDPD or his designee subject to ratification by the BCC [Sec. 2-98.7(a)(5), handwritten p. 15].

Ties NAB members' terms to the term of the appointing commissioner and sets 8 consecutive years as the term limit with ability to be reappointed after a 2-year hiatus [Sec. 2-98.7(b), handwritten p. 15].

Expands upon NAB hearing processes [Sec. 2-98.7(d)-(e), handwritten pp. 16-19].

Provides authority for the NAB to consider the general reputation of the Owner(s) or their associates, employees, or tenants, and evidence concerning other properties that may be owned, managed, or controlled by the Owner(s) [Sec. 2-98.7(e)(1), handwritten p. 17].

Establishes a Prehearing Settlement process.

BCC ITEM 6(A)
December 14, 2004

Authorizes the NAB to order fines in increments of \$250 or ...higher or lesser amount as it deems appropriate and necessary, per incident and/or day of noncompliance.... not exceed[ing] \$15,000 (or a total amount as allowed by Florida Statute 893.138, as amended) each time a premises is declared a public nuisance [Sec. 2-98.8(b), handwritten pp. 19-20]. [See Attachment #1 for a copy of Florida Statute 893.138.]

Enforcement provisions specify:

- A \$250 fine for each day the Owner does not comply with the Board's Order or the property continues to be a public nuisance; and
- A \$500 fine and/or imprisonment in the county jail for not more than 60 days for any person who hinders, or obstructs, any County or State Official, in the discharge of duties ...in carrying out the Orders of the Board [Sec. 2-98.10, handwritten p. 24].

Authorizes the NAB to recover costs for monitoring of the premises and/or investigation of all incidents and/or conditions....Costs include those of other departments and may include other Municipal, State, Federal Law Enforcement or Government Agency [handwritten p. 20].

Removes the one year requirement before the County may foreclose on an unpaid lien [handwritten p. 23].

Sets 18% per annum as the interest rate to accrue on unpaid costs and/or fines [handwritten p. 23].

IV. ECONOMIC IMPACT

The County Manager's "Fiscal Impact Report" attached to the item states that "*the revenue [from the proposed changes] cannot be accurately estimated in advance*" except that a new Administrative Officer 1 position at MDPD to administer the program "*will result in cost savings associated with reduced calls, less crime and disturbances on these properties*" in excess of the anticipated \$85,000 direct cost for salary and equipment for the new position.

Impact on municipalities: The proposed ordinance does not indicate whether or not municipalities will be charged fees for MDPD assistance with nuisance properties as is authorized in this item.

V. COMMENTS AND QUESTIONS

The broadness of some of the proposed provisions, and the absence of any exemptions, may have unintended consequences such as if someone were to use the broadened definitions to file NAO complaints about covered activities that take place at public facilities, like parks.

BCC ITEM 6(A)
December 14, 2004

The extent of the expansion of NAO infractions and NAB authorities may give rise to concern from a civil liberties perspective.

Questions:

- *Will municipalities that choose to execute interlocal agreements with MDPD for assistance with nuisance properties be charged fees for these services?*
- *If fees will be charged, will older municipalities be charged the same fees as newer communities that are now required to pay for specialized police services?*

Attachment #1

The 2003 Florida Statutes

[Source: Florida Law Online, <http://www.floridalawonline.net/const.html#statutes>]

Title XLVI

CRIMES

Chapter 893

DRUG ABUSE PREVENTION AND CONTROL

893.138 Local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal street gang activity.--

(1) It is the intent of this section to promote, protect, and improve the health, safety, and welfare of the citizens of the counties and municipalities of this state by authorizing the creation of administrative boards with authority to impose administrative fines and other noncriminal penalties in order to provide an equitable, expeditious, effective, and inexpensive method of enforcing ordinances in counties and municipalities under circumstances when a pending or repeated violation continues to exist.

(2) Any place or premises that has been used:

(a) On more than two occasions within a 6-month period, as the site of a violation of s. 796.07;

(b) On more than two occasions within a 6-month period, as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(c) On one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(d) By a criminal street gang for the purpose of conducting a pattern of criminal street gang activity as defined by s. 874.03; or

(e) On more than two occasions within a 6-month period, as the site of a violation of s. 812.019 relating to dealing in stolen property

may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

(3) Any county or municipality may, by ordinance, create an administrative board to hear complaints regarding the nuisances described in subsection (2). Any employee, officer, or resident of the county or municipality may bring a complaint before the board after giving not less than 3 days' written notice of such complaint to the owner of the place or premises at his or her last known address. After a hearing in which the board may consider any evidence, including evidence of the general reputation of the place or premises, and at which the owner of the premises shall have an opportunity to present evidence in his or her defense, the board may declare the

Attachment #1

place or premises to be a public nuisance as described in subsection (2).

(4) If the board declares a place or premises to be a public nuisance, it may enter an order requiring the owner of such place or premises to adopt such procedure as may be appropriate under the circumstances to abate any such nuisance or it may enter an order immediately prohibiting:

(a) The maintaining of the nuisance;

(b) The operating or maintaining of the place or premises, including the closure of the place or premises or any part thereof; or

(c) The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

(5) An order entered under subsection (4) shall expire after 1 year or at such earlier time as is stated in the order.

(6) An order entered under subsection (4) may be enforced pursuant to the procedures contained in s. 120.69. This subsection does not subject a municipality that creates a board under this section, or the board so created, to any other provision of chapter 120.

(7) The board may bring a complaint under s. 60.05 seeking temporary and permanent injunctive relief against any nuisance described in subsection (2).

(8) This section does not restrict the right of any person to proceed under s. 60.05 against any public nuisance.

(9) As used in this section, the term "controlled substance" includes any substance sold in lieu of a controlled substance in violation of s. 817.563 or any imitation controlled substance defined in s. 817.564.

(10) The provisions of this section may be supplemented by a county or municipal ordinance. The ordinance may include, but is not limited to, provisions that establish additional penalties for public nuisances, including fines not to exceed \$250 per day; provide for the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances; provide for continuing jurisdiction for a period of 1 year over any place or premises that has been or is declared to be a public nuisance; establish penalties, including fines not to exceed \$500 per day for recurring public nuisances; provide for the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order; provide that recorded orders on public nuisances may become liens against the real property that is the subject of the order; and provide for the foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. Where a local government seeks to bring an administrative action, based on a stolen property nuisance, against

BCC ITEM 6(A)
December 12, 2004

Attachment #1

a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner shall not be subject to a lien against his or her property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within 90 days after notification by registered mail to the property owner of a second stolen property conviction of the tenant. The total fines imposed pursuant to the authority of this section shall not exceed \$15,000. Nothing contained within this section prohibits a county or municipality from proceeding against a public nuisance by any other means.

History.--s. 7, ch. 87-243; s. 2, ch. 90-207; s. 1, ch. 91-143; s. 6, ch. 93-227; s. 1, ch. 94-242; s. 42, ch. 96-388; s. 1829, ch. 97-102; s. 1, ch. 97-200; s. 2, ch. 98-395; s. 1, ch. 2000-111; s. 5, ch. 2001-66.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING ADVERTISEMENT AND AWARD OF A TIER 1A INTERIM PERIOD CAR RENTAL POSITION AT MIAMI INTERNATIONAL AIRPORT TO BE FILLED BY A CERTIFIED LOCAL SMALL CAR RENTAL PROGRAM PARTICIPANT; AUTHORIZING THE COUNTY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING SIGNED BY TWENTY-TWO CAR RENTAL COMPANIES GOVERNING THEIR COMMITMENT TO, AND USE OF, THE PROPOSED CAR RENTAL FACILITY SO AS TO PERMIT A REDUCED OPPORTUNITY FEE TO BE PAID BY THE TIER 1A LSCR PARTICIPANT; AND AUTHORIZING COUNTY MANAGER TO ADVERTISE AND AWARD TWO TIER 1B INTERIM PERIOD ON-AIRPORT CAR RENTAL COMPANY CONCESSION AGREEMENTS AT MIAMI INTERNATIONAL AIRPORT

Aviation Department

I. SUMMARY

In Resolution No. R-684-00 the Board approved the advertisement of one DBE Tier 1A "Interim Period" car rental concession agreement at Miami International Airport (MIA). The "Interim Period" is the period between award of the in-terminal agreement and the completion of the Rental Car Facility (RCF). The Federal Aviation Administrations (FAA) suggested we identify a race-neutral small business set-aside instead of our DBE Tier 1A plan. The Board approved Resolution No. R-851-01 holding the Tier 1A position until an alternative was provided by the County Manager.

The DBE Tier 1A agreement requires a 4.5% opportunity fee instead of the 9% Tier 1A opportunity fee.

II. PRESENT SITUATION

The Aviation Depart has developed a Local Small Car Rental (LSCR) Program which is before the Board for approval. The Department has consulted with the FAA which indicates no opposition to the LSCR Program. The County has entered into a Memorandum of Understanding with 22 car rental companies which would have to be amended if the LSCR Program is approved by the Board. A conference call is scheduled for Monday December 13, 2004, by the Department and the companies which are party to the RCF agreement.

III. POLICY CHANGE AND IMPLICATION

Item 7(A)(1)(A) authorizes the advertisement and award of one (1) Tier 1A LSCR position and two (2) Tier 1B positions during the Interim Period.

BCC ITEM 7(A)(1)(A)

December 14, 2004

IV. ECONOMIC IMPACT

Car Rental Concessions at MIA for FY 2003 represented \$231.9 million in reported annual gross revenues. Of eleven (11) concessionaires only one (1) firm was local, a small business with \$3.2 million in gross revenues.

V. COMMENTS AND QUESTIONS

- Resolution No. R-683-00 authorized the MOU with the twenty-two companies that would operate at the RCF. The MOU was entered into because the County needed to know the amount of space to be required at the RCF.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AWARDING PREPAID PHONE CARD VENDING MACHINES CONTRACT TO LATIN AMERICAN ENTERPRISES, INC.; AT MIAMI INTERNATIONAL AIRPORT, ITB NO. MDAD0003; AUTHORIZING COUNTY MANAGER OR DESIGNEE TO EXECUTE AGREEMENT AND TERMINATION PROVISIONS CONTAINED THEREIN; WAIVING REQUIREMENTS OF RESOLUTION NO. R-377-04

Aviation Department

I. SUMMARY

This resolution proposes:

- Award of the Miami International Airport phone card vending machine contract (ITB No. MDAD0003) to Latin American Enterprises, Inc. the second highest ranked bidder, and
- If Latin American Enterprises, Inc. does not execute the contract, to offer award to the other bidders in the order which they were ranked, highest to lowest, and
- Waive the provisions of Resolution No. R-377-04 pertaining to the effective date of an agreement.

II. PRESENT SITUATION

The top ranked bidder, WTN/Blackstar/CKOR Vending Joint Venture was found by a hearing examiner be ineligible because they had failed to execute their agreement when they were awarded in 2003. The original Manager's Recommendation came before the Board in January of 2003. Two subsequent bid protests were filed.

Each of the top three bidders presently has a temporary agreement with MIA to operate phone vending machines at MIA. Presently, MIA's agreement with each vendor provides for a minimum annual guarantee. (When the original test permits were issues, the companies paid MIA 15% of gross sales. Payments were subsequently increased to 25%, and now to a MAG.)

In January of 2002, the Inspector General (IG) report, "Supplemental Report of Prepaid Phone Card Vending," raised concerns over accountability, controls, security, and consumer affairs issues in the phone card vending program. The IG report recommended that the existing vendors be audited by the County's Audit & Management Services Department (AMS).

AMS issued its final audit report in August of 2004 and concluded "that the top three bids were unreasonable and unattainable because of the declining revenues and a very competitive market." They recommended that the department assess the reasonableness of the bids. If the department finds that these bids are unrealistic, they should eliminate the top three bids and suggest the process continue with the remaining bidders.

BCC ITEM 7(A)(1)(B)

December 14, 2004

The department has taken all related reports into consideration and is recommending award to Latin American Enterprises, Inc. and if they do not execute the agreement to proceed to the next ranked bidder.

III. POLICY CHANGE AND IMPLICATION

Award of an exclusive contract to operate "the Prepaid Phone Card Vending Machines" at MIA should improve administrative feasibility, therefore facilitating tighter administrative controls and security.

IV. ECONOMIC IMPACT

Potential Minimum Annual Guarantee (MAG) to MIA from the proposed award.

1. WTN/Blackstar/CKOR Vending Joint Venture	\$1,089,312
2. Latin American Enterprises, Inc.	\$1,081,495
3. Communitel, Inc.	\$1,080,009
4. Travelex Currency Services, Inc.	\$701,000
5. Datawave Services, Inc.	\$300,000*

* Plus annual CPI increase & \$50,000 payable upon execution of agreement

The MAG will be secured by a Performance Bond.

V. COMMENTS AND QUESTIONS

- Are we setting a company up for failure based on the AMS findings of unrealistic Minimum Annual Guarantees?
- Could increased competition provide increased revenues to the County?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPROVING ISSUANCE BY FLORIDA DEVELOPMENT FINANCE CORPORATION OF INDUSTRIAL DEVELOPMENT REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$1,900,000 ON BEHALF OF SOUTHERN GEAR & MACHINE AND ALEX PERDOMO FOR PURPOSE OF SECTION 147 (F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED

Office of Community and Economic Development

I. SUMMARY

Item 7(K)(1)(A) authorizes the Florida Development Finance Corporation (FDPC) to issue Industrial Development Revenue Bonds on behalf of Southern Gear & Machine, Inc and Alex Perdomo, a principal, in an amount not to exceed \$1,900,000. State law requires that local governmental body authorize the issuance of Bonds. These Bonds shall not be a debt, liability, or obligation of the County and shall be payable solely from the revenues of Southern Gear & Machine, Inc and Alex Perdomo.

II. PRESENT SITUATION

Southern Gear & Machine, Inc is an established business in Opa Locka.

III. POLICY CHANGE AND IMPLICATION

Board approval of this item will allow for the retention of 73 jobs at the company.

IV. ECONOMIC IMPACT

The new financing is expected to allow Southern Gear & Machine, Inc and Alex Perdomo to add approximately 17 new employees within three years in addition to retaining 73 existing jobs.

The new jobs will have an average annual salary of \$44,000.

V. COMMENTS AND QUESTIONS

None

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE A NEGOTIATED CONTRACT WITH HORSEPOWER ELECTRIC, INC. CONSISTENT WITH THE TERMS OF THE PROPOSAL; WAIVING THE REQUIREMENTS OF SECTION 2-8.1 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE BY TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT

Public Works Department

I. SUMMARY

This resolution is requesting authorization for the execution of a contract between Miami-Dade County and Horsepower Electric, Inc. for the Safe Lite Monitoring System Installation, Program Implementation, and related Pro-Active Lightning Program (PLP) Services.

This authorization would also require a Waiver of Formal bid procedures.

II. PRESENT SITUATION

June 18, 2002 - The Board of County Commissioners (BCC) approved Resolution No. 687-02 authorizing the County Manager to negotiate a contract with Horsepower Electric, Inc. for a pilot program to study the Safe-Lite Monitoring System (SMS). The system monitors the voltage and current fluctuations on a circuit and takes corrective action as required.

February 24, 2002 - The County's independent electrical consultant submitted a report on the operation of the pilot system and concluded that the SMS increases the level of safety for the street lightning installation and *may* eliminate electrocutions due to metal poles becoming accidentally energized.

April 20, 2004 - the BCC's Governmental Operations & Environment Committee accepted the consultant's report and approved a motion directing the County Manager to implement the SMS countywide and to expand the pilot program in the most flood prone areas of the county.

May 11, 2004 - The Board of County Commissioners adopted Resolution No. 619-04 directing the County Manager to take the appropriate steps to implement the SMS countywide, expand the system in the County's flood prone areas pending the implementation of the System, and perform a fiscal impact study comparing the countywide installation of the System at one time versus phased installation.

May 11, 2004 - Supplemental report filed by the County Manager recommending that further market research be conducted to determine the existence of similar systems that may be available to the County.

BCC ITEM 7(P)(1)(A)
December 14, 2004

August 23, 2004- Department of Procurement Management submitted its findings that most of the sources contacted are not yet capable of providing, or have begun to develop, a system that satisfies the functional requirements of the County. Thus, it was concluded that the "Safe-Lite System" is the only product *presently capable* of meeting the County's operating requirements for this program.

III. POLICY CHANGE AND IMPLICATION

This resolution would approve the purchase of Safe-Lite System.

This would require a waiver of formal bidding procedures because it was not advertised for competitive bidding.

IV. ECONOMIC IMPACT

The Manager's Memorandum for this item was not specific as to the estimated cost for this project. However, the SMS units will cost the County \$15,000/unit. The Department of Procurement Management estimated that implementing this project countywide would cost approximately \$13.4 million.

If a single unit is required at each service panel, how many service panels exist on the countywide lighting system?

In addition, there is a maintenance contract associated with the system. Horsepower Electric would monitor and service each unit monthly at a cost of \$360 per unit per month for a period of ten (10) years.

The item lists two (2) funding sources for this program:

Peoples Transportation Plan (PTP)
Secondary Gas Tax

However, it is not specific as to what percentage from each source will be needed for both Capital costs and/or Maintenance costs.

V. COMMENTS & QUESTIONS

It is anticipated that the implementation of the Safe-Lite Program on a countywide basis will take approximately 36 months.

Why is there not an estimated fiscal impact associated with a project of such magnitude and importance?

Are there any minority or subcontracting goals established for this project? If so what are they?

Attachment 1: (2pgs) Matrix comparing vendors and product limitations.

Attachment 1

STREET LIGHT MONITORING VENDOR COMPARISON BY FEATURE				
7/30/2004				
ITEM	FEATURE	SAFE-LITE	TELEMICS	MAGNETEK
1	GROUND FAULT DETECTION	YES	NO	NO(a)
2	POLE KNOCK-DOWN	YES	NO	NO
3	GROUND WIRE CUT DETECTION DURING DAYTIME	YES	NO	NO
4	GROUND WIRE CUT DETECTION AT NIGHT	YES	NO	NO(a)
5	CIRCUIT OVERLOAD DETECTION	YES, LOCALLY	NO	NO(a)
6	AUTOMATIC POWER OFF UPON FAULT DETECTION	YES, LOCALLY	NO	YES, FROM CENTRAL STATION
7	LAMP BURN-OUT DETECTION	YES	YES	YES
8	CONTROLLER DOOR STATUS	YES	NO	NO(a)
9	SERVICE FUSE MONITORING	YES	NO	NO(a)
10	CIRCUITS' POWER MONITORING	YES	NO	YES
11	BYPASS OF SERVICE PHOTOCELL CONTROL	YES	NO	YES
12	WEATHER EMERGENCIES (REMOTE CONTROL OF POWER)	YES	NO	YES

NOTES:

(a)

DENOTES FEATURE NOT PRESENTLY AVAILABLE, BUT UNDER DEVELOPMENT, PER VENDOR.

Attachment 1

STREET LIGHT MONITORING VENDOR COMPARISON				
BY OPERATIONAL CHARACTERISTICS				
ITEM	FEATURE	SAFE-LITE	TELEMICS	MAGNETEK
1	FIELD EQUIPMENT	SINGLE CONTROL PANEL AT SERVICE POINT.	"CHECKPOINT" DEVICE IN LINE WITH A POLE-MOUNTED PHOTOCELL. REQUIRES POWER AT POLE TO OPERATE.	"CONTROL BOX" MOUNTED INSIDE EACH POLE. REQUIRES POWER AT POLE TO OPERATE.
2	DETECTION METHOD	REQUIRES A CONTROL WIRE LOOPED THRU ALL POLES.	WIRELESS TRANSMISSION FROM POLE TO "ACCESSPOINT" CONTROL PANEL IN VICINITY.	DIGITAL SIGNAL SUPERIMPOSED ON POWER LINES FROM "CB" TO "COLLECTING UNIT" AT SERVICE.
3	TRANSMISSION MEDIA	WIRELESS TELEPHONE MODEM TO COMMAND CENTER	UNDEFINED	WIRELESS TELEPHONE MODEM TO COMMAND CENTER
4	TRANSMISSION METHOD	INITIATED BY REMOTE SITE OR COMMAND CENTER, AS NEEDED	UNKNOWN	INITIATED BY REMOTE SITE OR COMMAND CENTER, AS NEEDED
5	OPERATING VOLTAGE	120 TO 480 VOLTS	120 TO 277 VOLTS.	230 VOLTS
6	COMPATIBLE WITH EXISTING COUNTY INSTALLATIONS	YES	NO	NO(a)
7	AVAILABLE AS A COMPLETE SYSTEM, INCLUDING INSTALLATION	YES	NO	NO
8	MONITORING SERVICE INCLUDED	YES	NO	NO

NOTES:
(a)

DENOTES FEATURE NOT PRESENTLY AVAILABLE, BUT UNDER DEVELOPMENT, PER VENDOR.